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July 12, 2004
Case No.: DP-300954 (2750/24)
Serial No.: 09/911,164
Filed: July 23, 2001
Page 7 of 10

-- REMARKS --

The present amendment replies to a Final Office Action dated May 10, 2004.

Claims 1-20 are currently pending in the present application.

In the Final Office Action, Examiner Jasmin rejected pending claims 1-20. The Applicants respond to the rejection as subsequently recited herein, and respectfully request reconsideration and further examination of the present application under 37 CFR § 1.116:

- A. Claims 1, 2, 4, 10-14, 16-18 and 20 were rejected under 35 U.S.C. §102(e) as being anticipated by Su, Pub. No. US 2002/0026380 A1.

The Applicants have thoroughly considered Examiner Jasmin's remarks concerning the patentability of claims 1, 2, 4, 10-14, 16-18 and 20 over Pub. No. US 2002/0026380 A1 to Su. The Applicants have also thoroughly read the Su application. The Applicants respectfully traverse this 35 U.S.C. §102(e) rejection.

The Applicants assert that Su does not disclose all of the claimed elements as recited by the Applicants in claims 1, 2, 4, 10-14, 16-18 and 20. Su fails to disclose, teach, or suggest a hand held device for conducting mobile commerce that is claimed in independent claims 1, 13 and 17 as presented by the Applicants.

Specifically, Su does not teach, among other limitations, 1) transmitting an amount and a transaction identification in response to a transaction request, from a base unit to the hand held device and posting a credit transaction to the user identification from the base unit, as a function of the transaction identification as recited in independent claim 1; 2) means for transmitting an amount and a transaction identification in response to a transaction request received from the hand held device and posting a credit transaction to the user identification as a function of the transaction identification as recited in independent claim 13; and 3) computer readable code for

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T-424 P.11/13 F-803

July 12, 2004
Case No.: DP-300954 (2750/24)
Serial No.: 09/911,164
Filed: July 23, 2001
Page 8 of 10

transmitting an amount and a transaction identification in response to a transaction request received from the hand held device and for posting a credit transaction to the user identification, as a function of the transaction identification as recited in independent claim 17.

Additionally, Su does not disclose or teach a system or method for transmitting an amount and a transaction identification in response to a transaction request, from a base unit to the hand held device or for posting a credit transaction request and approval between a base unit and the user. Furthermore, Su does not teach a payment transaction between the user and the merchant. At most, Su mentions that the store management system calculates the total due and obtains payment from the customer, providing no detail as to how this is accomplished, merely stating that "one skilled in the art would appreciate that existing commercial payment systems and softwares may be used here in payment handling" (see paragraphs 89 and 100).

Therefore, Su does not disclose, teach, or suggest every claimed element of independent claims 1, 13 and 17 and thus, cannot anticipate the invention as claimed by Applicants. Withdrawal of the rejection of independent claims 1, 13 and 17 under 35 U.S.C. §102(e) as being anticipated by the Davis Parent is therefore respectfully requested.

Claims 2-12 depend directly or indirectly from independent claim 1. Therefore, dependent claims 2-12 include all of the elements and limitations of independent claim 1. It is therefore submitted by the Applicants that claims 2-12 are allowable over Su for at least the same reason as set forth above with respect to independent claim 1. Withdrawal of the rejection of dependent claims 2-12 under 35 U.S.C. §102(e) as being anticipated by Su is therefore respectfully requested.

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T-424 P.12/13 F-803

July 12, 2004
Case No.: DP-300954 (2750/24)
Serial No.: 09/911,164
Filed: July 23, 2001
Page 9 of 10

Claims 14-16 depend directly or indirectly from independent claim 13. Therefore, dependent claims 14-16 include all of the elements and limitations of independent claim 13. It is therefore submitted by the Applicants that claims 14-16 are allowable over Su for at least the same reason as set forth above with respect to independent claim 13. Withdrawal of the rejection of dependent claims 14-16 under 35 U.S.C. §102(e) as being anticipated by Su is therefore respectfully requested.

Claims 18-20 depend directly or indirectly from independent claim 17. Therefore, dependent claims 18-20 include all of the elements and limitations of independent claim 17. It is therefore submitted by the Applicants that claims 18-20 are allowable over Su for at least the same reason as set forth above with respect to independent claim 17. Withdrawal of the rejection of dependent claims 18-20 under 35 U.S.C. §102(e) as being anticipated by Su is therefore respectfully requested.

B. Claims 3, 5-9, 15 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Su in view of Davis et al. US Patent No. 6,282,522.

Applicants have thoroughly considered the Examiner's remarks concerning the patentability of claims 3, 5-9, 15 and 19 Su in view of Davis et al. The Applicants respectfully traverse this 35 U.S.C. §103(a) rejection.

In order to make a *prima facie* case of obviousness under § 103(a), all of the *claimed* elements of the invention must be taught or suggested by the prior art (MPEP § 2143.03).

For at least the same reasons as stated above for independent claims 1, 13 and 17, the Applicants respectfully maintain that the Su Application in view of the Davis Patent does not teach or suggest all of the claimed elements of Applicants' invention. Withdrawal of the rejection of claims 3, 5-9, 15 and 19 under 35 U.S.C. §103(a) as being unpatentable over Su in view of Davis et al., is therefore respectfully requested.

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T-424 P.13/13 F-903

July 12, 2004
Case No.: DP-300954 (2750/24)
Serial No.: 09/911,164
Filed: July 23, 2001
Page 10 of 10

SUMMARY

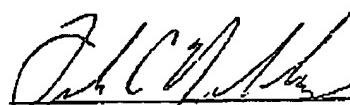
The 35 U.S.C. § 102(e) and § 103(a) rejections of claims 1-20 have been obviated by the above remarks. Applicants respectfully submit that claims 1-20 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing amendments and remarks, favorable consideration and passage to issue of the present application are respectfully requested.

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Respectfully submitted,
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